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Serial No.: 10/619,251  
Filed: July 14, 2003  
Examiner:  
Art Unit:  
Applicant: Paul Chahine et al  
Title: FLEXIBLE LINER AIR GAP PIPE

Cincinnati, Ohio 45202

September 18, 2003

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

PETITION TO MAKE SPECIAL

Applicant petitions to make this application special under 37 CFR § 1.102 and MPEP 708.02 VIII. If it be determined that all claims are not directed to a single invention, applicant will make an election without traverse.

A pre-examination search was conducted in Class 138, subclasses 112, 113, 114, 131, 135 and 148.

Applicant has filed herewith an Information Disclosure Statement listing the patents located in such search. One copy of each of the patents is submitted herewith.

Of all the patents submitted, applicant submits that none of the patents teach or suggest the combined features or elements of the claimed invention. More particularly, none of them teach or suggest a bendable multiple wall air gap pipe comprising the combination of a rigid tube and an elongated profile member with rigid and flexible walls defined by those elements having unequal diameters and the air gap pipe being bendable on convention single wall tube bending apparatus, as recited in all the claims.

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Applicant submits that one of the patents, U.S. Patent No. 3,908,372, is of more particular interest as perhaps most closely related to this application than the others cited. Nevertheless, there are specific differences between that disclosure and the claimed invention. Specifically, the respective functions are different, i.e. shielding environment in this case vs. retaining heat in the case of the device of the '372 patent. Secondly, the outer wall of the patent does not appear to be gas-tight. In fact, it is perforated so that it is open. So it does not constitute or relate to an air gap pipe as that term is used herein. Third, there is no disclosure that the conduit of the '372 patent is bendable on convention single wall tube bending apparatus. Moreover, the patent specifically states in column 1, lines 44-48 that the shield is put in place after the inner pipe is bent. See also column 2, line 22 in this regard.

Accordingly, applicant submits this application is in condition to be accorded SPECIAL STATUS and applicant petitions for such status.

The fee under 37 CFR § 1.17(h) is filed herewith.

The U.S. Patent and Trademark Office is authorized to satisfy any fee due in connection with any prosecution, allowance and grant of this application by charge to the undersigned's Deposit Account 23-3000.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P.

By: 

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Barbara Vogel

Sept 18 03  
Date

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